IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

Bail Appl..No. 6703 of 2007()

CRIME NO. 188/2007 OF NATTUKKATTU POLICE STATION

PETITIONERS :

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1. VIJAYAN P.V., AGED 83 YEARS,
S/O.IKKADAN, P.R.COTTAGE, PUTHUVASSERRY PARAMBU,
KSHEMA BAVA ROAD, MATTANCHERRY.

2. RAJAMMA, AGED 72 YEARS, W/O.VIJAYAN,
P.R.COTTAGE, PUTHUVASSERRY PARAMBU,
KSHEMA BAVA ROAD, MATTANCHERRY.

3. VENKITESH, AGED 42 YEARS, S/O.VIJAYAN,
P.R.COTTAGE, PUTHUVASSERRY PARAMBU,
KSHEMA BAVA ROAD, MATTANCHERRY.

BY ADV. SRI.S.RAJEEV

RESPONDENTS: STATE:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM (STATION HOUSE OFFICER,
NATTUKKALLU POLICE STATION).

BY PUBLIC PROSECUTOR ADV.SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No. 6703 of 2007

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Dated this the 19th day of November, 2007

ORDER

Application for anticipatory bail. Petitioners face allegations in a crime registered under Section 498A IPC. Crime has been registered as Crime No. 188/2007 of Nattukattu Police Station on the basis of the private complaint filed before the learned Magistrate and referred by the learned Magistrate to the Police under Section 156(3) Cr.P.C. The petitioners are the husband, father in law and mother in law of the de facto complainant. Matrimonial cruelty of the culpable variety punishable under Section 498A IPC is the offence alleged.

2. The learned Public Prosecutor submits that the investigation is already complete. Final report has already been filed. The petitioners are not required to be arrested by the Police. The petitioners may be directed to appear before the learned Magistrate and seek regular bail , prays the learned Public Prosecutor.

3. The matter having already reached to the learned Magistrate, I am satisfied that it is not necessary to issue

directions under Section 438 Cr.P.C. It is sufficient to direct the petitioners to surrender before the learned Magistrate. Thereupon the learned Magistrate must consider the application for bail on the date of surrender itself.

4. In the result this petition is dismissed, with the specific observation that if the petitioners surrender before the learned Magistrate and applies for bail, the learned Magistrate must consider the application and proceed to pass appropriate orders on merits, in accordance with law and expeditiously- on the date of surrender itself.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE